

REMARKS

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

No claims are currently being amended. Claims 3-12 remain pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,060,686 to Jones (hereafter “Jones”) in view of U.S. Patent No. 5,938,954 to Onuma et al. (hereafter “Onuma”).¹ Claim 10 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Jones and Onuma, and further in view of U.S. Patent No. 3,632,955 to Cruickshank et al. (hereafter “Cruickshank”). Applicants respectfully traverse these rejections for at least the following reasons.

As an initial matter, applicants respectfully request the Patent Office to specifically address Applicant’s arguments from the Amendment and Reply filed on April 19, 2006. The Office Action states on page 3, last paragraph “Applicant’s arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.” While the grounds of rejection have changed, the Patent Office continues to rely on the same references, namely Jones, Onuma and Cruickshank, in rejecting the claims. Thus, applicants’ arguments from the Amendment and Reply filed on April 19, 2006 continue to apply, but have not been addressed by the Patent Office.

Independent claim 4 recites “wherein the nozzle is formed as a disk having a flat surface area extending in a circumferential direction thereof and having the gas exit at the center thereof, wherein the nozzle has a circular groove extending in a circumferential direction thereof on the surface facing the workpiece.” As noted in the Amendment filed on April 19, 2006, Jones, Cruickshank, and Onuma fail to suggest at least this feature, or the advantages attendant thereto.

The Patent Office, on page 3 of the Office Action, continues to rely on Jones for allegedly disclosing “the nozzle is formed as a disk having a gas exit at the center thereof” and refers to item 20c of Jones and Figure 2, col. 3, lines 25-40. As noted in the Amendment filed on April 19, 2006, however, in contrast to the nozzle as recited in claim 4, the nozzle outlet 20c of the nozzle 20 of Jones is not formed as a disk, but is a hollow cylindrical nozzle as can be seen in FIG. 2. Thus, Jones fails to suggest “wherein the nozzle is formed as a disk having a flat surface area extending in a circumferential direction thereof and having the gas exit at the center thereof” as recited in claim 4.

The Patent Office, on page 3 of the Office Action, relies on Onuma for allegedly disclosing “a nozzle having a circular groove extending in the circumferential direction.” As noted in the Amendment filed on April 19, 2006, however, Onuma fails to disclose the groove as recited in claim 4, namely Onuma does not disclose that its nozzle “has a circular groove extending in a circumferential direction thereof on the surface facing the workpiece.” While Onuma discloses grooves 43, the Onuma grooves 43 are linear to allow thin wires 41 to move up and down in an axial direction in frame 42 (See Figs. 8(a), 8(b), 9; col. 15, lines 21-33). Moreover, the grooves 43 project into the irregular surface 46 that is being operated on by the Onuma nozzle. Thus, in contrast to claim 4, Onuma fails to disclose a circular groove that extends in a circumferential direction of a disk-shaped nozzle, nor do the grooves extend along the surface of the nozzle facing the workpiece.

Moreover, as noted in the Amendment filed on April 19, 2006, Onuma, like Jones, fails to disclose a nozzle “wherein the nozzle is formed as a disk having a flat surface area extending in a circumferential direction thereof and having the gas exit at the center thereof.” While Onuma discloses a nozzle, Onuma does not disclose that its nozzle is formed as a disk having a flat surface area extending in a circumferential direction thereof.

Moreover, as noted in the Amendment filed on April 19, 2006, Jones and Onuma fail to suggest the advantages attendant to the apparatus of claim 4. The groove arranged as recited in claim 4 may act as resistance against water, even if bubbles are generated during the

¹ Although claims 1-13 were rejected, applicants note that only claims 3-12 are currently pending. Claims 1-2 and 13 were cancelled in the Amendment filed April 19, 2006.

operation (see present specification, page 8, paragraph [0036]). Thus, the gas atmosphere may be maintained within the nozzle. Jones and Onuma, failing to suggest a nozzle with the groove as arranged in claim 4, fail to suggest the advantages resulting from this arrangement.

Cruickshank was cited for other features of the claims, but fails to cure the deficiencies of Jones and Onuma.

The dependent claims all ultimately depend from independent claim 4, and are patentable for at least the same reasons, as well as for further patentable features recited therein.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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